

## REMARKS

Claim 1 has been amended. Claims 6-10 and 13-18 have been canceled. The claims have been canceled without prejudice in order to accelerate prosecution to issuance of the remaining claims, and the applicant disputes the grounds of rejection to the canceled claims and retains his right to prosecute the canceled claims or claims drawn to subject matter described in the application in one or more continuing applications. The amendment makes moot any rejections specific to the subject matter of claims 13-18.

The features of claims 6-10 have been incorporated into claim 1. Thus, claim 1 now requires the swivel connector associated with the pulley, as is shown in Figures 3-6. Further, claim 1 now requires that the handle be at least a portion of a golf club, baseball or softball bat, tennis racket, or hockey stick (see, for example, Figures 3-6). Claims drawn to a ball being connected have been canceled to accelerate prosecution (e.g., claims 13-18).

Furthermore, claim 1 has been amended to clarify that the pulley is connectable to a weight stack or resistance based machine (see the application at page 6 at line 10) or resistance device (see application at page 6 at line 27). An important feature of the invention is that resistance training is provided smoothly, without interruption, throughout the swing of the handle assembly (e.g., the user's natural swing of a golf club, natural swing of a bat, natural swing of a tennis racket, natural swing of a hockey stick). In this sense, the handle assembly provides sports specific training. An important feature of the invention is that the cord which passes through the pulley and is connected to the handle at two points separated along a length of the handle. Examples of this can be seen in Figures 3-6 of the patent application where the cord 12 is connected to the top and bottom of a golf club grip, the top and lower section of a baseball or softball bat, and the top and lower section of the tennis racket. Because the pulley is moveable along the cord to locations which are closer to or further from either of the two points where it is connected to the handle, the handle is freely rotatable about a longitudinal axis passing through the handle and is freely shiftable, movable or turnable. This is not the case when a handle is connected at only one location or at one end (see Figure 1 of U.S. Patent 4,229,002 to Masters where the base of golf club grip is

connected to a weight stack; see also Figure 1 of U.S. Patent 6,592,474 to Halsworth where the connection points of the bat handle cord are NOT at two points separated along a length of said handle (as is required in claim 1)). In operation of the present invention, the cord passes through the pulley during shifting, moving or turning, and the handle is able to be used to move the pulley relative to said weight stack or resistance based machine or resistance device subject to resistance from said weight stack or resistance based machine or resistance device.

Claims 1, 5, 6, 13-15, 17, and 18 were rejected as being obvious over U.S. Patent Publication 2004/0110607 to Crespo in view of U.S. Patent 5,419,550 to Blom. Claim 2 was rejected as being obvious over the combination of Crespo and Blom further in view of U.S. Patent 4,229,002 to Masters. Claims 3, 4, and 7-12 were rejected as being obvious over the combination of Crespo and Blom further in view of U.S. Patent 6,592,474 to Halsworth. These rejections are traversed in view of the amendments above.

At the outset, it is clear that, without limitation, with respect to the principal reference to Crespo:

- 1) It does not show a handle of a golf club, baseball bat, softball bat, tennis racquet, or hockey stick. Rather, Crespo shows a vertically adjustable boxing bag.
- 2) It does not show resistance training. In Crespo, one strikes the bag with his or her hands or feet (see Figures 2-4); thus, there is no resistance training of sports specific muscles (Crespo is focused on the user adjusting to moving target heights)
- 3) It does not show rotation of a handle about its longitudinal axis. Crespo shows a ball which moves in various directions, and does not show a device which is designed to be rotated during the course of a swing.
- 4) It does not show a device with a cord passing through a pulley during shifting, moving or turning where a handle connected to the pulley by a cord at two points along the length of the handle is able to be used to move said pulley relative to said weight stack or resistance based machine or resistance device subject to resistance from said weight stack or resistance based machine or resistance device.

Blom does not make up for the deficiencies of Crespo. Blom, without limitation:

- 1) Shows a ball 22 (see Figure 1), not a handle in the form of at least a portion of a

golf club, baseball bat, softball bat, hockey stick or tennis racquet.

- 2) It is not a resistance machine. Rather, Blom, like Crespo, is focused on target hitting. In Blom, the user 34 swings a bat to hit a ball 22 that can be moved up and down and from side to side. In contrast, the claimed invention uses a handle that is freely shiftable, movable or turnable.
- 3) It does not show rotation of a handle about its longitudinal axis. Blom shows a ball moveable to different location, not a handle that rotates about its longitudinal axis.
- 4) It does not show a device with a cord passing through a pulley during shifting, moving or turning where a handle connected to the pulley by a cord at two points along the length of the handle is able to be used to move said pulley relative to said weight stack or resistance based machine or resistance device subject to resistance from said weight stack or resistance based machine or resistance device.

In view of the above, no combination of Crespo and Blom would make the claimed invention obvious to one of ordinary skill in the art. Neither reference shows a device for sports specific training using a handle. Rather, both references are directed to target training (boxing in the case of Crespo and baseball in the case of Blom).

The references to Masters and Halsworth (as well as all other references of record in the case) do not make up for the deficiencies of a combination of Crespo and Blom. Claim 1 requires that the cord which passes through the pulley is connected to the handle at two points separated along a length of the handle. Figure 1 of Masters shows the golf club handle connected at one end of the handle. Figure 1 of Halsworth show the baseball bat handled connected at two opposing sides at the same point along the length of the handle (i.e., they are not separated linearly along the length of the handle). The configurations shown in Masters and Halsworth have the significant drawback that muscles which are not used in performing the golf swing or bat swing are exercised when swinging these devices. When a club handle is connected only at the top (like in Masters) the user's wrists and forearms are overworked and the user's swing is forced to change because of this overworking resistance. The claimed invention recognizes this drawback and provides a system which allows the handle to move and rotate freely while performing the golf swing. This is accomplished by using a cord

which is attached at the top and bottom of the handle with a pulley that is connectable to the weight stack or resistance machine. Because the pulley can move closer to or farther away from one end of the handle or the other during the swing, and the handle can rotate during movement, and because the pulley is used to connect the handle to the weight stack, the user's sports specific muscles are exercised in the same manner as those muscles would be used when, for example, performing the golf swing. Specifically, the wrists and forearms are not overworked in the manner taught by Masters. In the Halsworth device, like the Masters device, the wrists and forearms will be overworked in the same manner discussed above and in the patent application on page 3. By not having the connections to the cord at two different locations on the length of the bat, the user is not able to obtain resistance on his bat swing specific muscles all the way through the swing (as he moves from one side to the other and rotates his hands during the swing).

In addition to the above, Masters and Halsworth lack

1) a pulley connectable to a weight stack or resistance based machine or resistance device, said pulley being movable relative to said weight stack or resistance based machine or resistance device after connection to said weight stack or resistance based machine or resistance device.

Masters shows the pulleys 20 and 21 connected to arm 16; thus, they are not movable relative to the weight stack, resistance based machine, or resistance device. Halsworth does not show a pulley. (Crespo and Blom do not show this either)

2) a swivel connector associated with said pulley

Neither reference shows a swivel connector. The swivel promotes free rotation of the handle. (Crespo and Blom do not show this either)0

3) a cord which passes through said pulley and is connected to said handle at two points separated along a length of said handle, said pulley being moveable along said cord to locations which are closer to or further from either of said two points, said handle being freely rotatable about a longitudinal axis passing through the handle and being freely shiftable, movable or turnable with said cord passing through said pulley during shifting, moving or turning, and said handle being able to be used to move said pulley relative to said weight stack or resistance based

machine or resistance device subject to resistance from said weight stack or resistance based machine or resistance device.

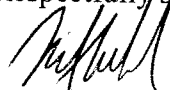
Masters shows the connection at one end 29 of the golf club handle. Halsworth shows the connection to the bat handle 14 and 16 at the same position along its length. (Crespo and Blom do not show this either).

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-5 and 11-12 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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